

**BEFORE THE ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF REGISTERED  
NURSE LICENSE NO. RN137552  
ISSUED TO:

AMANDA LUCIA TRUJILLO  
RESPONDENT

**CONSENT AGREEMENT  
AND  
ORDER NO. 1104073**

**CONSENT AGREEMENT**

A complaint charging Amanda Lucia Trujillo ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07(F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued registered nurse license no. RN137552.
2. On or about April 26, 2011, the Board received a complaint from Banner Del E. Webb Medical Center ("Banner Del Webb") alleging that Respondent practiced beyond the scope of her license on or about April 14, 2011, by writing an order without the permission of the patient's physician. Based upon this information, the Board conducted an investigation.
3. From on or about June, 2005, through on or about August, 2010, Respondent was employed as a RN at Mayo Clinic Hospital ("Mayo Clinic") in Phoenix, Arizona.
4. On or about August 10, 2010, Mayo Clinic placed Respondent on a corrective action plan to monitor Respondent for critical thinking, organization, work processes, timely

response to requests and orders, and appropriate completion of orders. Mayo Clinic also advised Respondent that she would need to work three shifts under the supervision of a preceptor before being allowed to work independently with patients. Respondent thereafter resigned her RN position at Mayo Clinic on or about August 11, 2010. Respondent is not eligible for rehire at Mayo Clinic. On or about January 13, 2012, Respondent stated to Board staff that Respondent resigned from Mayo Clinic on or about August 10, 2010, because Respondent felt that she was not performing at her best clinically due to challenges with a difficult medical condition.

5. On or about July, 2010, through September, 2010, Respondent was employed as a RN at Valley Home Care in Phoenix, Arizona.

6. While employed as a RN at Valley Home Care in Phoenix, Arizona, Respondent took her teenage daughter and her adult brother with her on a home health visit, and left them in the car while Respondent conducted the home health visit. Respondent's brother knocked on the patient's door asking to use the bathroom while Respondent was conducting the home health visit. Respondent denies breaching the patient's confidentiality and privacy.

7. On or about September 1, 2010, through November 1, 2010, Respondent was employed as a RN at Mountain Vista Medical Center ("Mountain Vista") in Mesa, Arizona.

8. On or about October 25, 2010, Respondent's nursing supervisor at Mountain Vista issued a corrective action to Respondent for disruptive behavior during computer class, challenging processes such as physician rounding in a loud and inappropriate manner, verbally challenging or attacking other staff, and for narcotic discrepancies involving Temazepam and Percocet. Respondent submitted her voluntary resignation to Mountain Vista on or about November 8, 2010. Respondent disputes the allegations in the corrective action. Respondent is not eligible for rehire at Mountain Vista.

9. From on or about November, 2010, until May, 2011, Respondent was employed as a RN at Banner Del Webb in Sun City West, Arizona.

10. In February and March 2011, Respondent's co-workers at Banner Del Webb expressed verbal and written concerns about Respondent's nursing practice to nursing supervisors/management. Respondent asserts that she was not aware of her co-worker's concerns, and when she was made aware of the concerns, Respondent denied the allegations.

11. On or about April 13-14, 2011, while working as a RN at Banner Del Webb, Respondent provided more than 100 pages of liver transplant education to patient D.F., who had end stage liver disease, but who had not been evaluated for liver transplant surgery, was not on the liver transplant waiting list, was not scheduled for liver transplant surgery, was not scheduled for a liver transplant evaluation the following day, and was not scheduled for any other "major invasive surgery" on or about April 13-14, 2011. Patient D.F.'s medical record indicated: "We will bridge D.F. through to see a hepatologist to see if patient would qualify for a liver transplant, which seems to be the viable option at this time. Short of that, D.F. may become hospice." Respondent states that when she assessed D.F., she determined that D.F. lacked knowledge about her disease, her medications, home care, and liver transplant. Respondent states that although the medical records document that the Respondent was not scheduled for a liver transplant evaluation at Banner Del Webb, Respondent recalls receiving report from the previous nurse that patient D.F. was scheduled for a liver transplant evaluation the next day.

12. On or about April 14, 2011, while working as a RN at Banner Del Webb, Respondent entered an order for a social services case management consult to evaluate "patient for home hospice or inpatient hospice per patient request" under a physician's name when she had not obtained a verbal or written order from the physician for the consult.

13. Respondent failed to respond to an Investigative Questionnaire asking for a full and complete explanation of Respondent's use and/or alleged misuse of the "DACNP-S" and "DNSc-NP(s)" credentials.

15. Respondent has violated patient D.F.'s confidentiality and privacy in written correspondence, on social media, and in interviews about patient D.F. including patient D.F.'s dates of hospitalization, place of hospitalization, purported diagnoses, purported knowledge deficits, purported nursing care, and purported treatment decisions. Respondent denies breaching patient D.F.'s confidentiality and privacy, but agrees that she will not disclose confidential patient information learned in the course of treatment in the future to anyone other than members of the health care team for health care purposes.

#### CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. §§ 32-1663 (D) as defined in 32-1601 (18) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (i) (Failing to comply with a stipulated agreement, consent agreement or board order); and (j) (Violating a rule that is adopted by the Board pursuant to this chapter); (effective September 30, 2009); Specifically:

A.A.C. § R4-19-403 (1) (A pattern of failure to maintain minimum standards of acceptable and prevailing nurse practice); (effective January 31, 2009).

A.A.C. § R4-19-403 (3) (Failing to maintain professional boundaries or engaging in a dual relationship with a patient, resident, or any family member of a patient or resident); (effective January 31, 2009).



A.A.C. § R4-19-403 (12) (Assuming patient care responsibilities that the nurse lacks the education to perform, for which the nurse has failed to maintain nursing competence, or that are outside the scope of practice of the nurse); (effective January 31, 2009).

A.A.C. § R4-19-403 (25 a.) (Failing to: a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664); (effective January 31, 2009).

A.A.C. § R4-19-403 (31) (Practicing in any other manner that gives the Board reasonable cause to believe that health of a patient or the public may be harmed); (effective February 2, 2009).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's license to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

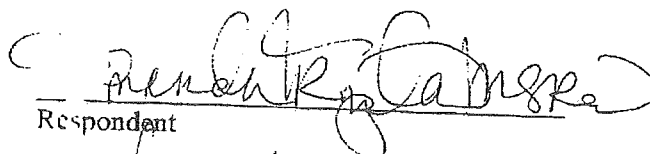
In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Respondent further waives any and all claims or causes of action, whether known or unknown, that Respondent may have against the State of Arizona, the Board, its members, offices, employees and/or agents arising out of this matter.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.


Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

  
Respondent  
Dated: November 26, 2012

ARIZONA STATE BOARD OF NURSING

  
Jory Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 12-17-2012

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing is accepted.

B. Respondent's license is placed on probation for **twelve (12) months**. Prior to termination of probation, Respondent shall work as a registered nurse for a minimum of twelve (12) months (not less than sixteen hours a week).

C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.

D. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

E. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a minimum period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F. Probation is subject to the following terms and conditions:

#### **TERMS OF PROBATION**

1. **Stamping of License**

Within seven days of the effective date of this Order, Respondent shall submit her license to be stamped "**PROBATION.**" While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

2. Psychotherapy

Within thirty days of the effective date of this Order, Respondent shall submit to the Board for approval the name of a behavioral health professional with expertise in treating persons with medical and psychiatric concerns to conduct psychotherapy sessions twice a month for a minimum of six months. Within seven days of receipt of approval from the Board, Respondent shall make an appointment to begin participation in psychotherapy. Respondent shall execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of the entire Consent Agreement to all treating professional(s). Within seven days of the beginning of treatment, Respondent shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Respondent shall cause any and all treating professional(s) to provide monthly reports to the Board. Respondent shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

3. Ethics Counseling

Within thirty days from the effective date of this Order, Respondent shall make an appointment to begin professional ethics counseling with a Board approved Fellow from the Lincoln Center for Applied Ethics. Respondent shall execute the appropriate release of information form(s) to allow the ethics counselor to communicate information to the Board or its designee, and to allow the Board Staff to release to the ethics counselor copies of Respondent's evaluation results from Dr. Lett. Prior to beginning the counseling, Respondent shall furnish a

copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the counselor. Respondent shall cause the counselor to notify the Board in writing within fifteen days of entry into the counseling, and to verify in that same letter receipt of the Consent Agreement and Order to include Findings of Fact and Conclusions of Law.

Respondent shall undergo and continue ethics counseling at a minimum of twice per month for three months (six sessions) or until the counselor determines and reports to the Board in writing and on letterhead, that treatment is no longer considered necessary or the counseling has been successfully completed by the Respondent. During the duration of the course of counseling Respondent shall have the ethics counselor provide written reports to the Board every month. The Board reserves the right to amend this Order based on the recommendations of the ethics counselor.

3. Notification of Practice Settings

Any setting in which Respondent is currently employed which requires RN licensure shall be provided with a copy of the entire Order within three (3) business days of the effective date of the Order. Any setting in which Respondent accept employment which requires RN licensure shall be provided with a copy of the entire Order within three (3) business days of the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy

of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

4. Performance Evaluation Reports and Self-Reports

Within 7 days of each assigned quarterly reporting due date, if Respondent is working in any position which requires RN licensure, Respondent shall cause every employer Respondent has worked for during the quarter to provide to the Board, in writing, employer evaluations on the Board-approved form. The first report is due on the first assigned quarterly report due date after the effective date of the Order. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action any of which pertain to patient care practice issues, or termination from a place of employment shall be considered as noncompliance with the terms of the Order. In the event Respondent is not working in a position which required RN licensure, or attending school during any quarter or portion thereof, Respondent shall provide to the Board, in writing, a self-report describing other employment or activities on the Board-approved form. Failure to provide employer evaluations/or self-reports within 7 days of the reporting date shall be considered as noncompliance with the terms of the Order.

5. Practice Under Supervision

Respondent shall practice as a registered nurse or in a student nurse capacity, only under the direct supervision of a registered nurse in good standing with the Board unless Respondent is working the night shift as a registry nurse for Integrated Healthcare at either (1) Fourth Avenue Intake or (2) Lower Buckeye Jail. Respondent must work alternate day and night shifts at these facilities so that every other shift is under direct supervision.

Direct supervision is defined as having a registered nurse present on the same unit with the Respondent whenever Respondent is practicing as a registered nurse.

The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

6. Acceptable Hours of Work

Respondent can work any shift except that Respondent must alternate day and night shifts when working as a registry nurse for Integrated Healthcare at either (1) Fourth Avenue Intake or (2) Lower Buckeye Jail.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

7. Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status

except that Respondent may continue to work as a registry nurse at Integrated Healthcare provided that she accepts assignments at either (1) Fourth Avenue Intake or (2) Lower Buckeye Jail.

8. Out-of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

9. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes non-compliance with this Order.

10. Interview With the Board or Its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

11. Renewal of License

In the event Respondent's registered nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.



12. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within 7 days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

13. Obey All Laws

Respondent shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within 10 days, any misdemeanor or felony arrest or conviction.

14. Costs

Respondent shall bear all costs of complying with this Order.

15. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

16. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

17. Completion of Probation

Respondent is not eligible for early termination of this Order. Upon successful completion of the terms of probation, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 12-17-2012

JR/ *RH: sb*

COPY mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by First Class Mail, to:

Signed in the Board Office this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: *A Susan Barber MSN, RN*  
Legal Secretary